AUS920010777US1

REMARKS

Claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 stand rejected under 35 U.S.C § 102(e) as being anticipated by Maekawa *et al.* (U.S. Patent No. 6,848,101). Claims 3, 5, 8, 10, 13, and 15 stand rejected under 35 U.S.C § 103(a) as unpatentable over Maekawa *et al.* (U.S. Patent No. 6,848,101) in view of Cheng, *et al.* (U.S. Pub. No. 2001/0032273). As is shown below, Maekawa alone or in combination with Cheng, does not disclose control of collaborative devices as claimed in the present application. Claims 1-15 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-15.

Claim Rejections – 35 U.S.C. §102 Over Maekawa

Claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 stand rejected under 35 U.S.C § 102(e) as being anticipated by Maekawa, *et al.* (U.S. Patent No. 6,848,101). To anticipate claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Maekawa must disclose each and every element as set forth in Applicants' claims. The second requirement of anticipation is that Maekawa must enable Applicants' claims. Maekawa does not meet either requirement and therefore does not anticipate Applicants' claims.

Maekawa Does Not Disclose Each and Every Element
Of The Claims Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Maekawa does not disclose each and every element of claim 1, and Maekawa therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC 102.

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Independent claim 1 claims:

A method of control of collaborative devices, the method comprising the steps of:

providing at least two collaborative devices, wherein each collaborative device comprises a client device and an embedded Java server;

providing a registry service to which the collaborative devices are coupled for data communications;

providing at least one registry table, wherein the registry table further comprises registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices, wherein the registry records representing capabilities of collaborative devices further comprise data elements describing, for each collaborative device, capabilities, tertiary relationships, and network connectivities;

providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices; and

controlling the collaborative devices in accordance with the predetermined algorithm.

<u>Maekawa Does Not Disclose</u>
<u>Providing At Least Two Collaborative Devices</u>

Regarding the first element of claim 1, the Office Action states that Maekawa at column 13, lines 25-40, discloses:

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providing at least two collaborative devices, wherein each collaborative device comprises a client device and an embedded Java server

That is, the Office Action takes the position that Maekawa at column 13, lines 25-40 discloses the first element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 13, lines 25-40, in fact discloses is:

> FIG. 17 is a block diagram of the constitution illustrating the embodiment 8 of the present invention, wherein the same portions as those described above (see Fig. 1) are denoted by the same reference numerals but are not described again.
> In FIG 17, local servers 3a to 3n of a number of, for example, n are connected to the center server 1.
> Equipment 5a to 5n that are to be managed are connected to the local servers 3a to 3n of the same constitution via local networks 4a to 4n, respectively.
> Even in a system where there exist plural local servers 3a to 3n as shown in FIG. 17, the center server 1, in theory needs be employed in a number of only one. In this case, too, the basic operation is the same as the one described above, exhibiting the action and effect same as those described above.

Maekawa at column 13, lines 25-40 and FIG 17 discloses a center server, a number of local servers connected to the center server, and equipment managed by the local servers. The center server, local servers and equipment to be managed of Maekawa do not disclose providing at least two *collaborative* devices as claimed in the present application. The local servers and the equipment to be managed described in Maekawa at column 13, lines 25-40 and FIG 17 also do not disclose each collaborative device comprising a client device and an embedded Java server. In fact, the cited sections of Maekawa do not even mention collaborative devices or an embedded Java server. As

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such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

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Maekawa Does Not Disclose

Providing A Registry Service

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Regarding the second element of claim 1, the Office Action states that Maekawa at column 6, lines 15-20, discloses:

> providing a registry service to which the collaborative devices are coupled for data communications

That is, the Office Action takes the position that Maekawa at column 6, lines 15-20 discloses the second element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 15-20, in fact discloses is:

> That is, the application 11 verifies the operation at the time of being registered to the center server 1. At this moment, if the operation of the application 11 is defined by the script 12, the range of operation is determined, and the operation is not executed outside the range described in the script 12.

Maekawa at column 6, lines 15-20 discloses verifying the operation of an application when the application is registered to a center server. The registration of an application to a center server of Maekawa does not disclose providing a registry service to which the collaborative devices are coupled for data communications as claimed in the present application. In fact, the cited sections of Maekawa do not even mention a collaborative device or a registry service to which collaborative devices are coupled for data communications. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

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Maekawa Does Not Disclose
Providing At Least One Registry Table

Regarding the third element of claim 1, the Office Action states that Maekawa at column 6, lines 15-20, discloses:

> providing at least one registry table....

That is, the Office Action takes the position that Maekawa at column 6, lines 15-20 discloses this portion of the third element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 15-20, in fact discloses is:

> That is, the application 11 verifies the operation at the time of being
> registered to the center server 1. At this moment, if the operation of the
> application 11 is defined by the script 12, the range of operation is
> determined, and the operation is not executed outside the range described
> in the script 12.

Maekawa at column 6, lines 15-20 discloses verifying the operation of an application when the application is registered to a center server. The registration of an application to a center server of Maekawa does not disclose providing at least one registry table as claimed in the present application. In fact, the cited sections of Maekawa do not even mention a registry table. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

Further, regarding the third element of claim 1, the Office Action states that Maekawa at column 3, line 40 and FIG. 9, discloses:

> ....wherein the registry table further comprises registry records, wherein the
> registry records comprise registry records representing capabilities of
> collaborative devices....

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That is, the Office Action takes the position that Maekawa at column 3, line 40 and FIG. 9 discloses this portion of the third element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 3, lines 40-47, in fact discloses is:

> In the software management system of the invention, the local servers exist in a plural number, at least one of which including the network-directed language execution environment, the remote management means, the script interpretation means and the highly reliable means, and other local servers including the network-directed language execution environment, the remote management means and the script interpretation means.

Maekawa at column 3, lines 40-47 discloses a software management system. The software management system of Maekawa does not disclose the registry table further comprising registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do not even mention a registry table, registry records, collaborative devices or capabilities of collaborative devices. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

Applicants also respectfully note in response, that what Maekawa at FIG. 9 in fact discloses is a "description of services of the script" in XML (Maekawa, col. 9, lines 34-38). The description of services of the script of Maekawa does not disclose the registry table further comprising registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices as claimed in the present application.

Additionally, regarding the third element of claim 1, the Office Action states that Maekawa at column 9, lines 46-55, discloses:

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....wherein the registry records representing capabilities of collaborative
devices further comprise data elements describing, for each collaborative
device ... tertiary relationships, and network connectivities

That is, the Office Action takes the position that Maekawa at column 9, lines 46-55
discloses this portion of the third element of claim 1. Applicants respectfully note in
response, however, that what Maekawa at column 9, lines 46-55, in fact discloses is:

> In this case, use of SAX (simple API for XML) which is a standard
> specification of the parser makes it possible to pick up events such as start
> and end of a tag.
> In the case of the air conditioner control service described as shown in
> FIGS. 9 and 10, events are successively picked up, such as start air
> conditioner initialization, setting of temperature, setting of the wind
> velocity, end of air conditioner initialization, start of temperature sensor
> initialization - - -.

Maekawa at column 9, lines 46-55 discloses a parser for identifying beginning and
ending tags in a script and exemplary tags in an air conditioner control service script.
Neither the parser nor the air conditioner control service script of Maekawa discloses the
registry records representing capabilities of collaborative devices comprising data
elements describing, for each collaborative device tertiary relationships, and network
connectivities as claimed in the present application. In fact, the cited sections of
Maekawa do not even mention a registry table, registry records, collaborative devices,
capabilities of collaborative devices or tertiary relationships or network connectivities of
collaborative devices. As such, Maekawa does not disclose each and every element of
claim 1 and the rejection should be withdrawn.

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Maekawa Does Not Disclose Providing
A Service Bundle Of OSGI-Compliant Java Servlets

Regarding the fourth element of claim 1, the Office Action states that Maekawa at column 1, lines 40-45; column 5, lines 54-58; and column 6, lines 35-41, discloses:

> providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices

That is, the Office Action takes the position that Maekawa at column 1, lines 40-45; column 5, lines 54-58; and column 6, lines 35-41 discloses the fourth element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 1, lines 40-45, in fact discloses is:

> The OSG standard specifies the system for downloading and deleting the software. When the system requires higher reliability, however, a mechanism must be devised and furnished to guarantee a highly reliable function and a safe and reliable operation.

Maekawa at column 1, lines 40-45 discloses an OSG standard for downloading and deleting software. The OSG standard of Maekawa does not disclose providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do not even mention collaborative devices or at least on predetermined algorithm for controlling the collaborative devices. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

Regarding column 5, lines 54-58, what Maekawa at column 5, lines 54-58, in fact discloses is:

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Here, the network-directed software execution environment 31 that
operates being downloaded from the center server 1 has been established
by taking into consideration the "Java" execution environment "Java VM
(Java Virtual Machine)" that has now been most widespread.

Thus, Maekawa at column 5, lines 54-58 appears to disclose a network-directed software
execution environment. The network-directed software execution environment of
Maekawa does not disclose providing a service bundle of OSGI-compliant Java servlets
comprising at least one predetermined algorithm for controlling the collaborative devices
as claimed in the present application. In fact, the cited sections of Maekawa do not even
mention collaborative devices or at least one predetermined algorithm for controlling the
collaborative devices. As such, Maekawa does not disclose each and every element of
claim 1 and the rejection should be withdrawn.

Regarding column 6, lines 35-41, what Maekawa at column 6, lines 35-41, in fact
discloses is:

Next, the highly reliable means 34 judges whether the event that is issued
is faulty (step S6). When it is so judged that the event is faulty (i.e., YES),
not only the processing for accumulating the event data is executed (step
S5) but also the processing is executed to cope with the fault (step S7) in
compliance with a predetermined procedure, and the routine proceeds to
step S8..

Maekawa at column 6, lines 35-41 discloses a means for fault detection and coping with
the fault using a predetermined procedure. The means of Maekawa does not disclose
providing a service bundle of OSGI-compliant Java servlets comprising at least one
predetermined algorithm for controlling the collaborative devices as claimed in the
present application. In fact, the cited sections of Maekawa do not even mention
collaborative devices or at least one predetermined algorithm for controlling the

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collaborative devices. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn.

Maekawa Does Not Disclose
Controlling The Collaborative Devices In Accordance
With The Predetermined Algorithm

Regarding the fifth element of claim 1, the Office Action states that Maekawa at column 6, lines 35-41, discloses:

> controlling the collaborative devices in accordance with the predetermined algorithm

That is, the Office Action takes the position that Mackawa at column 6, lines 35-41 discloses the fifth element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 35-41, in fact discloses is:

> Next, the highly reliable means 34 judges whether the event that is issued
> is faulty (step S6). When it is so judged that the event is faulty (i.e., YES),
> not only the processing for accumulating the event data is executed (step
> S5) but also the processing is executed to cope with the fault (step S7) in
> compliance with a predetermined procedure, and the routine proceeds to
> step S8..

Maekawa at column 6, lines 35-41 discloses a means for fault detection and coping with the fault using a predetermined procedure. The means and fault processing of Maekawa do not disclose controlling the collaborative devices in accordance with the predetermined algorithm as claimed in the present application. In fact, the cited sections of Maekawa do no even mention collaborative devices or at least one predetermined algorithm for controlling the collaborative devices. As such, Maekawa does not disclose each and every element of claim 1 and the rejection should be withdrawn

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<u>Maekawa Does Not Enable Each and Every Element</u>
<u>Of The Claims Of The Present Application</u>

Not only must Maekawa disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but Maekawa must also be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the applicant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Maekawa places Applicants' claims in the possession of a person of ordinary skill in the art, Maekawa is legally insufficient to anticipate Applicants' claims under 35 USC 102(e).

Maekawa in fact does not place each and every element of claim 1 in the possession of a person of ordinary skill in the art. Independent claim 1 claims:

A method of control of collaborative devices, the method comprising the steps of:

providing at least two collaborative devices, wherein each collaborative device comprises a client device and an embedded Java server;

providing a registry service to which the collaborative devices are coupled for data communications;

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providing at least one registry table, wherein the registry table further comprises registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices, wherein the registry records representing capabilities of collaborative devices further comprise data elements describing, for each collaborative device, capabilities, tertiary relationships, and network connectivities;

providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices; and

controlling the collaborative devices in accordance with the predetermined algorithm.

Maekawa Does Not Place One Of Ordinary Skill In The Art In Possession Providing At Least Two Collaborative Devices

Regarding the first element of claim 1, the Office Action states that Maekawa at column 13, lines 25-40, discloses:

providing at least two collaborative devices, wherein each collaborative device comprises a client device and an embedded Java server

That is, the Office Action takes the position that Maekawa at column 13, lines 25-40 places one of ordinary skill in the art in possession of the first element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 13, lines 25-40, in fact discloses is:

FIG. 17 is a block diagram of the constitution illustrating the embodiment 8 of the present invention, wherein the same portions as those described above (see Fig. 1) are denoted by the same reference numerals but are not described again.

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In FIG 17, local servers 3a to 3n of a number of, for example, n are connected to the center server 1.

Equipment 5a to 5n that are to be managed are connected to the local servers 3a to 3n of the same constitution via local networks 4a to 4n, respectively.

Even in a system where there exist plural local servers 3a to 3n as shown in FIG. 17, the center server 1, in theory needs be employed in a number of only one. In this case, too, the basic operation is the same as the one described above, exhibiting the action and effect same as those described above.

Maekawa at column 13, lines 25-40 and FIG. 17 discloses a center server, a number of local servers connected to the center server, and equipment managed by the local servers. The center server, local servers and equipment to be managed of Maekawa do not disclose providing at least two *collaborative* devices as claimed in the present application. The local servers and the equipment to be managed described in Maekawa at column 13, lines 25-40 and FIG. 17 also do not disclose each collaborative device comprising a client device and an embedded Java server. In fact, the cited sections of Maekawa do not even mention a collaborative device or an embedded Java server. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

<u>Maekawa Does Not Place One Of Ordinary Skill In The Art
In Possession Providing A Registry Service</u>

Regarding the second element of claim 1, the Office Action states that Maekawa at column 6, lines 15-20, discloses:

> providing a registry service to which the collaborative devices are coupled for data communications

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That is, the Office Action takes the position that Maekawa at column 6, lines 15-20 places one of ordinary skill in the art in possession of the second element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 15-20, in fact discloses is:

> That is, the application 11 verifies the operation at the time of being registered to the center server 1. At this moment, if the operation of the application 11 is defined by the script 12, the range of operation is determined, and the operation is not executed outside the range described in the script 12.

Maekawa at column 6, lines 15-20 discloses verifying the operation of an application when the application is registered to a center server. The registration of an application to a center server of Maekawa does not disclose providing a registry service to which the collaborative devices are coupled for data communications as claimed in the present application. In fact, the cited sections of Maekawa do no even mention a collaborative device or a registry service to which collaborative devices are coupled for data communications. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

<u>Maekawa Does Not Place One Of Ordinary Skill In The Art In Possession Providing At Least One Registry Table</u>

Regarding the third element of claim 1, the Office Action states that Maekawa at column 6, lines 15-20, discloses:

> providing at least one registry table....

That is, the Office Action takes the position that Maekawa at column 6, lines 15-20 places one of ordinary skill in the art in possession this portion of the third element of

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claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 15-20, in fact discloses is:

> That is, the application 11 verifies the operation at the time of being
> registered to the center server 1. At this moment, if the operation of the
> application 11 is defined by the script 12, the range of operation is
> determined, and the operation is not executed outside the range described
> in the script 12.

Maekawa at column 6, lines 15-20 discloses verifying the operation of an application when the application is registered to a center server. The registration of an application to a center server of Maekawa does not disclose providing at least one registry table as claimed in the present application. In fact, the cited sections of Maekawa do not even mention a registry table. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

Further, regarding the third element of claim 1, the Office Action states that Maekawa at column 3, line 40 and FIG. 9, discloses:

> ....wherein the registry table further comprises registry records, wherein
> the registry records comprise registry records representing capabilities of
> collaborative devices....

That is, the Office Action takes the position that Maekawa at column 3, line 40 and FIG. 9 places one of ordinary skill in the art in possession of this portion of the third element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 3, lines 40-47, in fact discloses is:

> In the software management system of the invention, the local servers
> exist in a plural number, at least one of which including the network-
> directed language execution environment, the remote management means,

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the script interpretation means and the highly reliable means, and other local servers including the network-directed language execution environment, the remote management means and the script interpretation means.

Maekawa at column 3, lines 40-47 discloses a software management system. The software management system of Maekawa does not disclose the registry table further comprising registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do no even mention a registry table, registry records, collaborative devices or capabilities of collaborative devices. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

Applicants also respectfully note in response, that what Maekawa at FIG. 9 in fact discloses is a "description of services of the script" in XML (Maekawa, col. 9, lines 34-38). The description of services of the script of Maekawa does not disclose the registry table further comprising registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices as claimed in the present application.

Additionally, regarding the third element of claim 1, the Office Action states that Maekawa at column 9, lines 46-55, discloses:

....wherein the registry records representing capabilities of collaborative devices further comprise data elements describing, for each collaborative device . . . tertiary relationships, and network connectivities

That is, the Office Action takes the position that Maekawa at column 9, lines 46-55 places one of ordinary skill in the art in possession this portion of the third element of

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claim 1. Applicants respectfully note in response, however, that what Maekawa at column 9, lines 46-55, in fact discloses is:

> In this case, use of SAX (simple API for XML) which is a standard specification of the parser makes it possible to pick up events such as start and end of a tag.
>
> In the case of the air conditioner control service described as shown in FIGS. 9 and 10, events are successively picked up, such as start air conditioner initialization, setting of temperature, setting of the wind velocity, end of air conditioner initialization, start of temperature sensor initialization - - -.

Maekawa at column 9, lines 46-55 discloses a parser for identifying beginning and ending tags in a script and exemplary tags in an air conditioner control service script. Neither the parser nor the air conditioner control service script of Maekawa places one of ordinary skill in the art in possession the registry records representing capabilities of collaborative devices comprising data elements describing, for each collaborative device tertiary relationships, and network connectivities as claimed in the present application. In fact, the cited sections of Maekawa do not even mention a registry table, registry records, collaborative devices, capabilities of collaborative devices or .tertiary relationships or network connectivities of collaborative devices. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

<u>Maekawa Does Not Place One Of Ordinary Skill In The Art In Possession Providing A Service Bundle Of OSGI-Compliant Java Servlets</u>

Regarding the fourth element of claim 1, the Office Action states that Maekawa at column 1, lines 40-45; column 5, lines 54-58; and column 6, lines 35-41, discloses:

> providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices

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That is, the Office Action takes the position that Maekawa at column 1, lines 40-45; column 5, lines 54-58; and column 6, lines 35-41 place one of ordinary skill in the art in possession the fourth element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 1, lines 40-45, in fact discloses is:

> The OSG standard specifies the system for downloading and deleting the software. When the system requires higher reliability, however, a mechanism must be devised and furnished to guarantee a highly reliable function and a safe and reliable operation.

Maekawa at column 1, lines 40-45 discloses an OSG standard for downloading and deleting software. The OSG standard of Maekawa does not disclose providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do no even mention collaborative devices or at least one predetermined algorithm for controlling the collaborative devices. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

Regarding column 5, lines 54-58, what Maekawa at column 5, lines 54-58, in fact discloses is:

> Here, the network-directed software execution environment 31 that operates being downloaded from the center server 1 has been established by taking into consideration the "Java" execution environment "Java VM (Java Virtual Machine)" that has now been most widespread.

Thus, Maekawa at column 5, lines 54-58 appears to disclose a network-directed software execution environment. The network-directed software execution environment of Maekawa does not place one of ordinary skill in the art in possession providing a service

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bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do not even mention collaborative devices or at least one predetermined algorithm for controlling the collaborative devices. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

Regarding column 6, lines 35-41, what Maekawa at column 6, lines 35-41, in fact discloses is:

> Next, the highly reliable means 34 judges whether the event that is issued is faulty (step S6). When it is so judged that the event is faulty (i.e., YES), not only the processing for accumulating the event data is executed (step S5) but also the processing is executed to cope with the fault (step S7) in compliance with a predetermined procedure, and the routine proceeds to step S8..

Maekawa at column 6, lines 35-41 discloses a means for fault detection and coping with the fault using a predetermined procedure. The means of Maekawa does not place one of ordinary skill in the art in possession providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application. In fact, the cited sections of Maekawa do not even mention collaborative devices or at least one predetermined algorithm for controlling the collaborative devices. As such, Maekawa does not place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

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Maekawa Does Not Place One Of Ordinary Skill In The Art In Possession Controlling The Collaborative Devices In Accordance With The Predetermined Algorithm

Regarding the fifth element of claim 1, the Office Action states that Maekawa at column 6, lines 35-41, discloses:

> controlling the collaborative devices in accordance with the predetermined algorithm

That is, the Office Action takes the position that Maekawa at column 6, lines 35-41 places one of ordinary skill in the art in possession the fifth element of claim 1. Applicants respectfully note in response, however, that what Maekawa at column 6, lines 35-41, in fact discloses is:

> Next, the highly reliable means 34 judges whether the event that is issued is faulty (step S6). When it is so judged that the event is faulty (i.e., YES), not only the processing for accumulating the event data is executed (step S5) but also the processing is executed to cope with the fault (step S7) in compliance with a predetermined procedure, and the routine proceeds to step S8..

Maekawa at column 6, lines 35-41 discloses a means for fault detection and coping with the fault using a predetermined procedure. The means and fault processing of Maekawa do not place one of ordinary skill in the art in possession of controlling the collaborative devices in accordance with the predetermined algorithm as claimed in the present application. In fact, the cited sections of Maekawa do not even mention collaborative devices or at least one predetermined algorithm for controlling the collaborative devices. As such, Maekawa does place one of ordinary skill in the art in possession of claim 1 and the rejection should be withdrawn.

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Relations Among Claims

Independent claims 6 and 11 are system and computer program product claims for control of collaborative devices corresponding to independent method claim 1 that include "means for" and "means, recorded on [a] recording medium, for:" control of collaborative devices. As discussed above, Maekawa discloses a method for operation of software that is downloaded through a wide-area network and collection of fault data and restoration when an abnormal condition has occurred. (Maekawa, Abstract). In fact, Maekawa does not even mention control of collaborative devices. Therefore, for the same reason that Maekawa does not disclose or enable a method for control of collaborative devices, Maekawa also does not disclose or enable systems and computer program products for control of collaborative devices corresponding to independent method claims 6 and 11. Independent claims 6 and 11 are therefore patentable and should be allowed.

Claims 2-5, 7-10, and 12-15 depend respectively from independent claims 1, 6, and 11. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Maekawa does not disclose or enable each and every element of the independent claims, Maekawa does not disclose or enable each and every element of the dependent claims of the present application.

Claim Rejections – 35 U.S.C. § 103

Claims 3, 5, 8, 10, 13, and 15 stand rejected under 35 U.S.C § 103(a) as unpatentable over Maekawa *et al.* (U.S. Patent No. 6,848,101) in view of Cheng, *et al.* (U.S. Pub. No. 2001/0032273). Applicants respectfully traverse each rejection. The rejection of claims 3, 5, 8, 10, 13, and 15 relies on the previous §102 rejection arguing that Maekawa discloses each and every limitation of claims 1, 2, 4, 6, 7, 9, 11, 12, and 14. Applicants

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have demonstrated above that Maekawa does not disclose each and every element of claims 1, 2, 4, 6, 7, 9, 11, 12, and 14.

To establish a prima facie case of obviousness, the proposed combinations of the references must teach or suggest all of the claim limitations of claims 3, 5, 8, 10, 13, and 15. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Claims 3, 5, 8, 10, 13, and 15 depend from claims 1, 2, 4, 6, 7, 9, 11, 12, and 14, respectively, and include all of the limitations of the claims from which they depend. Because the proposed combinations rely on the argument that Maekawa teaches each and every element of claims 1, 2, 4, 6, 7, 9, 11, 12, and 14, and because Maekawa in fact does not teach or suggest each and every element of claims 1, 2, 4, 6, 7, 9, 11, 12, and 14, the proposed combination cannot teach or suggest all the claim limitations of claims 3, 5, 8, 10, 13 and 15. The proposed combination therefore cannot establish a prima facie case of obviousness and the rejections should be withdrawn.

Conclusion

Claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 stand rejected under 35 U.S.C § 102(e) as being anticipated by Maekawa, *et al.* (U.S. Patent No. 6,848,101). Maekawa does not disclose each and every element of Applicants' claims, and Maekawa does not enable Applicants' claims. Maekawa therefore does not anticipate Applicants' claims within the meaning of 35 U.S.C § 102(e). Claims 3, 5, 8, 10, 13, and 15 stand rejected under 35 U.S.C § 103(a) as unpatentable over Maekawa *et al.* (U.S. Patent No. 6,848,101) in view of Cheng, *et al.* (U.S. Pub. No. 2001/0032273). For the reasons set forth above, however, the proposed modification of Maekawa in view of Cheng fails to establish a prima face case of obviousness. The rejection of claims 1-15 should therefore be withdrawn, and the claims should be allowed. Reconsideration of claims 1-15 in light of the present remarks is respectfully requested.

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The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date:__January 17, 2006__ By:

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